



"PATENT"

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Kenneth L. Riley et al

) Before the Examiner
) Tam M. Nguyen
)

U. S. Serial No. 09/869,981

) Confirmation Number: 4612
)

Filed: January 14, 2000

) Group Art Unit: 1764
)

TWO STAGE PROCESS FOR
HYDROPROCESSING USING BULK
MULTIMETALLIC CATALYST

) Family Number: P1997J057H
)

Commissioner for Patents
Washington, DC 20231

Sir:

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AMENDMENT UNDER 35 U.S.C. § 111

Responsive to non-final Office Action dated July 3, 2002, Applicants respectfully provide the following and request reconsideration and allowance of all pending claims.

AMENDMENTS FILED UNDER
PCT ARTICLE 34 ON AUGUST 14, 2000 WITH THE IPEA/US

Applicants respectfully point out to the Examiner the Amendments filed under PCT Article 34, on August 14, 2000 with the IPEA/US, and request that the Examiner acknowledges entry of the Amendments. A copy of the Amendments together with

I hereby certify that I have a reasonable basis for believing that this correspondence will be deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231, on <u>September 27, 2002</u>		
Date of Deposit		
<u>Kathleen A. Kuma</u>	<u>Kathleen A. Kuma</u>	<u>September 27, 2002</u>
Name of attorney or agent	Signature	Date of Signature



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replacement sheets are enclosed herein also. Applicants also have included herein a copy of all pending claims as they should now stand.

IN THE CLAIMS (Further Amendments)

2. (once amended) The process of claim 1 wherein [the] said at least one Group VIII non-noble metal is selected from Ni and Co and [the] said at least two Group VIB metals are selected from Mo and W.

CLAIM OBJECTIONS

In view of the aforementioned amendments filed under PCT Article 34 Examiner's objection to claim 1 is now mute. Withdrawal of the objection is required.

CLAIM REJECTIONS - 35 U.S.C. § 112

Applicants' amendments to claim 2 render Examiner's § 112 rejections now mute.

CLAIM REJECTIONS - 35 U.S.C. § 103

The Examiner rejected claims 1-7 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,156,695 to Soled et al. ('695 patent) in view of U.S. Patent No. 6,231,753 to McKnight et al. ('753 patent). The rejection is respectfully traversed. For a U.S. patent to be prior art under 102(a) its grant date shall be before the effective filing date of the parent application. The present application is a 371 national application of PCT/US00/00981 filed on 14 January 2000 (14.01.00) which is a CIP of 09/231,156, now issued as U.S. Patent No. 6,162,350, which is a CIP of 08/900,389 now issued as U.S. Patent 6,156,695. Thus the filing date of the present patent application is the filing date of the international stage PCT application, i.e., January 14, 2000. *See* 35 U.S.C. § 363, and



M.P.E.P. 1893.03(b) (8th ed. 2001) (explaining that the filing date of the international stage application is also the filing date for the national stage application).

The '350 patent was granted on December 5, 2000. The '753 patent was granted on May 5, 2001. Thus, neither the '350 patent nor the '753 patent are prior art to the present application under 35 U.S.C. §102(a).

The subject matter disclosed in the '695 and the '753 patents could only possibly qualify as prior art under 35 U.S.C. §102(e). These patents and the present patent application were assigned or were subject to an obligation of assignment to the same entity, i.e., ExxonMobil Research and Engineering Company, (formerly Exxon Research and Engineering Company) Annandale, NJ, at the time the present invention was made. Therefore, the '695, and the '753 patents should not preclude patentability of the claims of the present patent application. *See* 35 U.S.C. § 103(c).

Applicants respectfully request withdrawal of the obviousness rejection.

OBVIOUSNESS-TYPE DOUBLE PATENTING

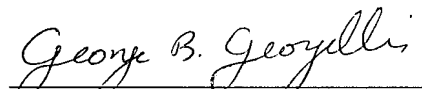
The Examiner rejected claims 1-7 based on the doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 6,162,350 ('350).

Applicants have filed herewith a terminal disclaimer to obviate the double patenting rejection over the '350 patent and therefore request withdrawal of the double patenting rejection.

A handwritten mark, possibly a signature or initials, consisting of a large, stylized letter 'A' with a horizontal line extending to the right.

In conclusion, Applicants respectfully submit that all pending claims 1-24 are now allowable.

Respectfully submitted,



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☒ Pursuant to 37 CFR 1.34(a)

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GBG:kak
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Enclosures



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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Since the present specification does not content an abstract, the examiner had written an abstract as follows:

Abstract:

B1 A two-stage hydrodesulfurization process for producing low sulfur distillates wherein a distillate boiling range feedstock containing in excess of about 3,000 wppm sulfur is hydrodesulfurized in a first hydrodesulfurization stage containing one or more reaction zones in the presence of hydrogen and a hydrodesulfurization catalyst. The liquid product stream thereof is passed to a first separation stage wherein a vapor phase product stream and a liquid product stream are produced. The liquid product stream is passed to a second hydrodesulfurization stage also containing one or more reaction zones. The catalyst in any one or more reaction zones is a bulk multi-metallic catalyst comprised of at least one Group VIII non-noble metal and at least two Group VIB metals.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

No prior art of record discloses or renders obvious a process for hydrodesulfurization by passing a hydrocarbon feedstock containing in excess of about 3,000 wppm sulfur into a first hydrodesulfurization stage containing one or more reaction zones in the presence of hydrogen and a hydrodesulfurization catalyst and the liquid product stream thereof is passed to a first separation stage wherein a vapor phase product stream and a liquid product stream are produced

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and the liquid product stream is passed to a second hydrodesulfurization stage also containing one or more reaction zones which comprise a second hydrodesulfurization catalyst and the catalyst in any one or more reaction zones is a bulk multi-metallic catalyst comprised of at least one Group VIII non-noble metal and at least two Group VIB metals as called for in claim 1

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

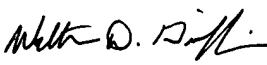
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam M. Nguyen whose telephone number is (703) 305-7715. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marian Knode can be reached on 703 308 4311. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-5408 for regular communications and (703) 305-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Tam Nguyen/ TN
October 15, 2002


Walter D. Griffin
Primary Examiner

